



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 20 1998

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Ms. Fran McPoland
Federal Environmental Executive
Office of the Federal Environmental Executive
401 M Street SW (MC 1600)
Washington, DC 20460

Dear Ms. McPoland:

Thank you for your letter regarding the regulatory status of used oil that is mixed with JP-8 fuel under the federal used oil management standards (40 CFR Part 279). You asked if JP-8 fuel mixed with used oil from military vehicles would meet the exemption at 40 CFR 279.10(d)(2) for mixtures of used oil and diesel fuel that are burned in a generator's own vehicles.

Used Oil/Diesel Fuel Mixture Exemption

The Used Oil Management Standards specifically exempt from the used oil regulations mixtures of used oil and diesel fuel on the conditions that (1) a used oil generator only mixes used oil that they generate on-site and (2) such mixtures are used as fuel in the generator's own vehicles (see 40 CFR 279.10(d)(2)). Prior to mixing, the used oil is subject to the used oil generator requirements of 40 CFR 279 subpart C.

Used Oil/JP-8 Mixtures

JP-8 is a multipurpose fuel similar to diesel fuel, and it is burned in diesel-type engines in military vehicles. Based on the information you provided, the U.S. Army is proposing to mix used oil they generate with JP-8 fuel and burn it in their own trucks in the same way that many trucking companies mix their used oil with diesel fuel to be burned in their own trucks. For the purposes of the exemption for used oil and diesel fuel mixtures, JP-8 can be considered to be analogous to diesel fuel. Therefore, mixtures of used oil and JP-8 are exempt from the used oil regulations if they are managed in accordance with 40 CFR 279.10(d)(2).

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Clean Air Act

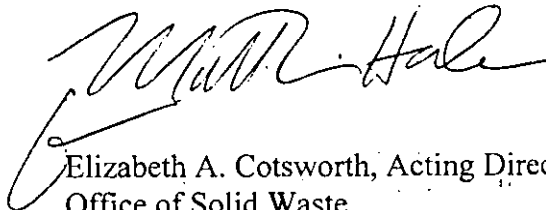
40 CFR 279.10(d)(2) excludes used oil and diesel fuel or JP-8 fuel mixtures from only the Used Oil Management Standards. It does not preclude or supersede regulation under the Clean Air Act (CAA) or any other applicable laws. Please be aware that mixtures of used oil and JP-8 that are burned, and any engines or vehicles in which they are burned, are still subject to any applicable regulations promulgated under the CAA. Depending on how the mixture is accomplished, and by whom, sections 202(a)(4), 203, 206(a)(3)(b), and 211(a)-(f) of the CAA may place restrictions on such a practice as it relates to motor vehicles. For further information on these restrictions, please contact Mr. Bruce Fergusson ((202) 564-1261) or Mr. Rich Ackerman ((202) 564-1301) of the Office of Enforcement and Compliance (OECA) and/or Mr. David Kortum ((202) 564-9022) of the Office of Mobile Sources (OMS).

State Specific Regulations

States may adopt regulations that are more stringent than the federal used oil regulations. In fact, some states regulate used oil as hazardous waste and others do not allow burning of used oil. Many states also have comprehensive air quality programs that may restrict burning of used oil/JP-8 fuel mixtures. The Army should contact each state in which they would like to conduct used oil/JP-8 mixing for a state specific regulatory determination.

If you have any further questions about the Used Oil Management Standards, please contact Mike Svizzero, of my staff, at (703) 308-0046.

Sincerely,



Elizabeth A. Cotsworth, Acting Director
Office of Solid Waste

cc: Paul Machiele, OMS
Greg Orehowsky, OMS
Jane Armstrong, OMS
Dave Kortum, OMS
Jim Caldwell, OMS
Rich Ackerman, OECA
Bruce Fergusson, OECA